

**NOV 03 2005****CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS****NOT FOR PUBLICATION****UNITED STATES COURT OF APPEALS****FOR THE NINTH CIRCUIT**

DAVID A. SMITH,

Plaintiff - Appellant,

v.

MAGIC VALLEY REGIONAL  
MEDICAL CENTER, a political  
subdivision of Twin Falls County, Idaho;  
COUNTY OF TWIN FALLS, a  
governmental entity; CANYON VIEW  
PSYCHIATRIC AND ADDICTION  
SERVICES OF MVRMC, a political  
subdivision of Twin Falls County, Idaho;  
TIM GREEN, Officer, in his individual  
capacity and as an agent and employee of  
the Twin Falls City Police; GENE  
ZWARYCK, in his individual capacity and  
as an agent and employee of Canyon View  
Psychiatric and Addiction Services of  
MVRMC, a political subdivision of Twin  
Falls County, Idaho; KEVIN G. KRAAL,  
an agent and employee of Magic Valley  
Regional Medical Center; CITY OF TWIN  
FALLS, State of Idaho, a municipal  
corporation,

Defendants - Appellees.

No. 04-35415

D.C. No. CV-02-00442-EJL

MEMORANDUM<sup>\*</sup>

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<sup>\*</sup> This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

Appeal from the United States District Court  
for the District of Idaho  
Edward J. Lodge, District Judge, Presiding

Argued and Submitted October 20, 2005  
Seattle, Washington

Before: BRUNETTI and McKEOWN, Circuit Judges, and KING \*\*, Senior District Judge.

David Smith appeals from the district court's grant of summary judgment in favor of defendants. Having conducted a de novo review, *Buono v. Norton*, 371 F.3d 543, 545 (9th Cir. 2004), we affirm for the reasons given by the district court.

Additionally, we find no abuse of discretion in the district court's ruling regarding Smith's motion for an enlargement of time.

**AFFIRMED.**

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\*\* The Honorable Samuel P. King, Senior United States District Judge for the District of Hawaii, sitting by designation.